

**REMARKS**

Claims 2-10, 12-15 and 19 are pending in this application. Claims 12 and 15 are the independent claims. By this Amendment, claim 11 is cancelled without prejudice or disclaimer. Claims 2-10, 12, 15 and 19 are amended. No new matter is added that would require further consideration and/or search.

**Claim Objections**

Claims 2-11 and 19 are objected to because the preamble of the dependent claims is inconsistent with the preamble of the independent claim from which they depend. The claims are amended such that the preamble is consistent with the independent base claim. As such, withdrawal of the objection is requested.

**Rejections Under 35 USC §112**

Claims 5 and 6 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection is traversed.

Specifically, it is alleged that the recitation of “the radial direction of extension of the sealing arrangement” is indefinite because of a lack of antecedent basis.

Applicant respectfully reminds the Examiner that “the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite” (MPEP 2173.05(e)).

In the present case the recitation of “the radial direction of extension of the sealing arrangement” is not indefinite because the radial direction would be clear to those of skill in the art because the base claim recites “a sealing arrangement

comprising at least two individual circular-arc-shaped segments which together form a closed ring." Thus, the radial direction referred to in the claim is reasonably ascertainable. However, in an effort to expedite prosecution, claims 5 and 6 are amended to recite "a radial direction." Therefore, withdrawal of the rejection is requested.

### **Rejections Under 35 USC §103**

Claims 2-15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Application Publication 2004/0250713 to Bergman in view of Bullard. The Applicant respectfully traverses this rejection.

Bergman relates to a press which comprises a pressure vessel having an internal closure. It is alleged in the Office Action that the cooler plate 102 of Bergman corresponds to the claimed "mounting" and that the rubber seal 104 corresponds to the claimed "sealing arrangement." However, independent claim 15 recites that the sealing arrangement is disposed in the mounting. In Bergman, the rubber seal 104 is not disposed in the cooling plate. For example, as shown in Fig. 4 the rubber seal 104 is clearly outside of the cooler plate 102. Thus, Bergman fails to disclose or suggest the claim feature as admitted in the Office Action.

In an effort to overcome the admitted deficiency, it is alleged that one of skill in the art would have modified the isostatic press of Bergman according to the teachings of Bullard. However, Bullard relates to piston rings for a combustion engine. Thus, Bergman does not disclose or suggest "a sealing arrangement being arranged in said first position of the lid to seal between the lid and an inner wall of an isostatic press," as alleged in the Office Action. In fact, as discussed above, Bullard relates to piston

rings and not to an isostatic press and does not have a lid. Therefore, there is no disclosure of an isostatic press or a lid in Bullard as alleged.

Moreover, one of skill in the art would not seek to modify Bergman with the teachings of Bullard as proposed in the Office Action. For example, An isostatic press normally operates at pressures of about 2000 bar (see specification of the application). A normal operating pressure for a piston/cylinder arrangement, such as in Bullard, is about 10-20 bar. Thus, not only would there be no expectation of success in making the proposed modification of Bergman, but the modification would render the device inoperable for its intended purpose. Thus, there can be no suggestion to modify Bergman as proposed.

Also, Applicants respectfully remind the Examiner that "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

It is also alleged in the Office Action that Bullard discloses a "stop arrangement" as recited in the pending claims. The alleged "stop arrangement" is purported to be a slot 5 formed in a groove 4 in the sidewall of a piston 2, along with a pin 9 that projects into the slot 5. According to Bullard, the pin 9 "affords a means for radially guiding the respective plates (i.e., arcuate plates 6 or piston rings). Elongated bar springs 10 force the piston rings 6 outward to contact an inner wall of the cylinder 1. Thus, contrary to the allegation in the Office Action, the slot 5 and pin 9 do not correspond to the claimed "stop arrangement" at least because the slot 5 and pin 9 do not limit movements of segments so that the segments are kept in the mounting also in the second position (the second position being defined as a position in which the lid is separated from the pressure chamber).

Firstly, the piston/cylinder arrangement does not disclose a lid. Therefore, the allegation that the slot 5 and pin 9 limit the piston rings in such a position has no basis in fact. Moreover, there is no disclosure or suggestion in the specification that the slot 5 and the pin 9 could limit movement of the rings as claimed. Instead, the Examiner alleges that "it is inherent that the segments are kept in the mounting in the second position since the lid could not be easily inserted into the opening of the vessel if the segments were not positioned to stay in the mounting."

Applicants first respectfully remind the Examiner that the doctrine of inherency requires that "the missing descriptive matter is necessarily present in the thing suggested by the reference." Further, under the principles of inherency, the disclosure being relied upon must show that the natural result flowing from the operation of the device would result in the performance being claimed. *Hansgirk v. Kemmer*, 102 F.2d 212, 214, 40 USPQ 665, 667 (CCPA 1939). Thus, inherency requires that those things will always flow naturally from that which is disclosed in a prior art reference. *Application of Smyth*, 480 F.2d 1376, 1384, 178 USPQ 279, 285 (CCPA 1973).

In the present case the requirements of establishing inherency have not been met. For example, Bullard fails to disclose any structure that would limit the movement of the segments as suggested by the Examiner. Rather, Bullard merely shows a slot 5 that provides a space for the pin 9 to ride in to radially guide the respective plates. Thus, the only "natural result" that might flow from the disclosure is that the rings 6 are guided in the slot. There is certainly nothing to indicate that the slot and guide pin would prevent movement of the rings in the claimed second position. Accordingly, the combination of references fails to disclose or suggest the claim features as alleged.

Further, even were Bergman amended as proposed the piston rings would be housed in a slot cut into the lid of Bergman. According to such a modification, the combination of references would still fail to disclose or suggest "a mounting beneath the lid," as recited in the independent claims. Instead, the mounting (i.e., the slot) would be in a side of the lid.

In addition to the numerous deficiencies discussed above, the combination of references also fails to disclose or suggest "a mounting includes a circular groove in a seal holder of the lid," as recited in amended independent claim 15. Accordingly, withdrawal of the rejection is requested.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano, Reg. No. 35,094, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNES, DICKEY, & PIERCE, P.L.C.

By

\_\_\_\_\_  
John A. Castellano, Reg. No. 35,094  
P.O. Box 5910  
Reston, Virginia 20195  
(703) 668-8000

JAC/JWF:eaf